

## Message Text

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ACTION SS-25

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S E C R E T SECTION 1 OF 2 GENEVA 4694

EXDIS USSALTTWO

E.O. 11652: XGDS-1

TAGS: PARM

SUBJECT: AMBASSADOR EARLE'S STATEMENT OF JUNE 10, 1977

(SALT TWO - 1216)

THE FOLLOWING ARE STATEMENTS DELIVERED BY AMBASSADOR EARLE  
AT THE SALT TWO MEETING OF JUNE 10, 1977

BEGIN TEXT

MR. MINISTER:

I

TODAY I WOULD LIKE TO COMMENT ON PARAGRAPH 3 OF ARTICLE XVI  
AND, IN PARTICULAR, DISCUSS THE SOVIET STATEMENT OF JUNE 3 ON THAT  
SUBJECT.

II

YOUR STATEMENT CONFIRMED THAT THE SOVIET PROPOSAL FOR THE AGREED  
STATEMENT TO PARAGRAPH 3 OF ARTICLE XVI APPLIES TO ALL THE

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PROVISIONS OF THE DRAFT AGREEMENT ASSOCIATED WITH TESTING, AND  
NOT ONLY TO THOSE WHICH EXPLICITLY MENTION TESTING. I BELIEVE  
THAT THE SIDES ARE IN SUBSTANTIVE AGREEMENT THAT THE NON-CON-  
CEALMENT OBLIGATION PROHIBITS THE USE OF MEASURES ASSOCIATED

WITH TESTING, WHICH DELIBERATELY IMPEDE CERIFICATION OF COM-  
PLIANCE WITH EACH OF THE LIMITATIONS OF THE NEW AGREEMENT.

NEVERTHELESS, THE WORD "PROVISIONS" IN THE SOVIET PROPOSAL FOR THAT AGREED STATEMENT COULD BE INTERPRETED NARROWLY TO MEAN ONLY THOSE PROVISIONS WHICH EXPLICITLY MENTION TESTING.

THERE IS ALSO APPARENT AGREEMENT THAT THE TESTING OF PENETRATION AIDS WOULD NOT BE PRECLUDED BY THE PROHIBITION ON DELIBERATE CONCEALMENT MEASURES.

III

ACCORDING TO OUR UNDERSTANDING, IT IS THE SOVIET IVEW THAT THE OBLIGATION IN PARAGRAPH 3 OF ARTICLE XVI NOT TO USE DELIBERATE CONCEALMENT MEASURES WOULD NOT REQUIRE CHANGES IN CURRENT TESTING PRACTICES. IN ITS STATEMENT OF JUNE 3, THE SOVIET DELEGATION STATED THAT THIS EXEMPTION FOR CURRENT TESTING PRACTICES "WOULD ELIMINATE GROUNDS FOR ADVANCING -- ON THE PRETEXT OF ENSURING UNHINDERED OPERA- TION OF NATIONAL TECHNICAL MEANS -- UNFOUNDED COMPLAINTS ABOUT THE ACTIVITIES OF ONE SIDE OR THE OTHER, WHICH ARE CONSISTENT WITH THE LIMITATION BEING ESTABLISHED." ON THE CONTRARY, IT IS THE UNITED STATES VIEW THAT AN EXCEPTION FOR CURRENT TESTING PRACTICES WOULD ELIMINATE THE BASIS FOR RAISING LEGITIMATE QUESTIONS ABOUT DELIBERATE CONCEALMENT ACTIVITIES WHICH SHOULD BE WITHIN THE SCOPE OF THE NEW AGREEMENT. IN OUR STATEMENTS OF MAY 13 AND MAY 27, THE UNITED STATES DELEGATION CITED TWO EXAMPLESOF SUCH ACTIVITIES INVOLVING MEASURES ASSOCIATED WITH TESTING. FURTHERMORE, THE SOVIET PROPOSAL WOULD INCLUDE ANY TESTING PRACTICES WHICH MIGHT BE INTRODUCED BEFORE THE EFFECTIVE DATE OF THIS PROVISION, AND THUS WOULD LEGITIMIZE ALL TESTING PRACTICES ADOPTED BEFORE THAT DATE,

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EVEN THOSE WHICH DELIBERATELY CONCEAL.

THE UNITED STATES RECOGNIZES THAT, UNDER ARTICLE XVII, AMBIGUOUS SITAUTIONS COULD BE CONSIDERED IN THE STANDING CON- SULTATIVE COMMISSSION. HOWEVER, AN EXEMPTION FOR CURRENT TESTING PRACTICES AWOULD ESTABLISH TWO CATEGORIES FOR TESTING PRACTICES, THOSE WHICH ARE CURRENT AS OF THE EFFECTIVE DATE OF THE RELEVANT PROVISION AND THOSE WHICH ARE INITIATED AFTER THAT TIME AND, THUS, WOULD CREATE ADDITIONAL AND UNNECESSARY ISSUES BETWEEN THE SIDES.

THE SOVIET STATEMENT OF JUNE 3 RECOGNIZED CERTAIN CONCERNS EXPRSSED BY THE UNITED STATES AND INDICATED A WILLINGNESS TO CONSIDER THE QUESTION OF AN UNDERTAKING BY THE SIDES TO REFRAIN FROM ACTIONS AIMED AT CONCEALING THE ASSOCIATION BETWEEN ICBMS AND THEIR LAUNCHERS DURING TESTING. ACCORDINGLY, THERE APPEARS TO BE MUTUAL RECOGNITION THAT SUCH ACTIVITIES DO CONSTITUTE DELIBERATE CONCEALMENT. HOWEVER, THE UNITED STATES CONCERN IS BROADER THAN THAT REFLECTED IN THE SOVIET DELEGATINON STATEMENT

OF JUNE 3. AS THE UNITED STATES DELEGATION INDICATED IN ITS STATEMENT OF MAY 27, THE NON-CONCEALMENT OBLIGATIONS MUST BE APPLIED GENERALLY TO THE TESTING PHASE BECAUSE IT IS DURING THIS PHASE THAT MANY OF THE DISTINCTIONS WHICH ARE IMPORTANT TO VERIFYING COMPLIANCE WITH THE PROVISIONS OF THE NEW AGREEMENT MUST BE MADE.

IV

WE HAVE ANALYZED THE REASONS GIVEN BY THE SOVIET DELEGATION FOR ITS PROPOSAL TO USE THE WORD "SPECIAL" IN THE AGREED STATEMENT TO ARTICLE XVI. THE USE OF THIS WORD "SPECIAL" IS SAID TO PREVENT THE POSSIBILITY OF ARBITRARILY INCLUDING AMONG "DELIBERATE CON-CEALMENT MEASURES" ACTIONS WHICH ARE NOT SUCH MEASURES. HOWEVER, THE WORD "SPECIAL" IS NOT NEEDED. THE WORD "DELIBERATE" BY

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DEFINITION EXCLUDES NON-DELIBERATE CONCEALMENT MEASURES. MORE IMPORTANTLY, USE OF THE WORD "SPECIAL" WOULD IMPLY THAT OTHER CONCEALMENT MEASURES WHICH ARE DELIBERATE BUT NOT "SPECIAL" CAN EXIST.

V

THE SOVIET DELEGATION HAS STATED THAT "THE CONTENT OF THE TELE-METRIC INFORMATION AND THE METHODS OF ITS TRANSMISSION ARE ENTIRELY WITHIN THE AREA OF THE INTERNAL SCIENTIFIC AND TECHNICAL DECISIONS OF EACH SIDE AND ARE NOT THE SUBJECT OF LIMITATIONS UNDER THE AGREEMENT." FURTHERMORE, IT HAS STATED THAT EXCLUDING SUCH METHODS FROM THE OBLIGATIONS OF PARAGRAPH 3 OF ARTICLE XVI "WOULD PRECLUDE

THE POSSIBILITY OF ATTEMPTS TO INTERFERE WITH TECHNICAL ACTIVITIES." THE IMPLICATION IS THAT SUCH METHODS SHOULD BE OUTSIDE THE PURVIEW OF THE NEW AGREEMENT. HOWEVER, ALL DEVELOPMENT, TESTING, AND DEPLOYMENT ACTIVITIES ARE TECHNICAL ACTIVITIES AND, IT COULD BE ARGUED, THE INTERNAL AFFAIR OF EACH SIDE.  
IT IS PRECISELY IN CONNECTION WITH SUCH ACTIVITIES THAT THE SIDES, WHILE RETAINING THEIR FREEDOM TO ARRIVE AT THEIR OWN TECHNICAL SOLUTIONS, HAVE UNDERTAKEN TO ENHANCE THE VIABILITY OF THE ARMS LIMITATION AGREEMENTS NOW IN FORCE BY

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ACCEPTING THE OBLIGATION NOT TO EMPLOY DELIBERATE CONCEALMENT MEASURES WHICH IMPEDE VERIFICATION.

THE UNITED STATES DELEGATION AGREES THAT NEITHER SIDE SHOULD SEEK TO DICTATE TO THE OTHER HOW TO CONDUCT TESTING. HOWEVER, WE BELIEVE THAT NEITHER SIDE WISHES TO CONDONE PRACTICES WHICH WOULD DELIBERATELY CONCEAL THAT WHICH MAY BE USED TO ENSURE VERIFICATION BY NATIONAL TECHNICAL MEANS OF COMPLIANCE WITH THE PROVISIONS OF THE AGREEMENT. THE UNITED STATES DELEGATION SEES NO REASON WHY ONE OF THE MANY TECHNICAL ACTIVITIES RELEVANT TO SUCH VERIFICATION SHOULD BE SINGLED OUT AS EXEMPT FROM THE OBLIGATIONS OF PARAGRAPH 3 OF ARTICLE XVI.

VI

MR. MINISTER, I LOOK FORWARD TO HEARING YOUR FURTHER VIEWS ON THIS IMPORTANT ASPECT OF THE NEW AGREEMENT.

MR. MINISTER,

I WOULD LIKE TO NOTE THAT, AS A RESULT OF THE EXCHANGE OF VIEWS HELD DURING THE PERIOD SINCE RESUMPTION OF THE NEGOTIATIONS BETWEEN THE DELEGATIONS ON MAY 11, 1977, PROGRESS HAS BEEN ACHIEVED IN REACHING AGREEMENT ON INDIVIDUAL PROVISIONS OF THE JOINT DRAFT TEXT OF THE NEW AGREEMENT.

AN UPDATED, JOINT DRAFT TEXT HAS BEEN PREPARED IN THE DRAFTING GROUP WHICH REFLECTS THE STATUS OF THE FORMULATIONS BEING DISCUSSED AS OF JUNE 10, 1977.

THERE IS AN UNDERSTANDING BETWEEN THE DELEGATIONS THAT THE JOINT DRAFT TEXT WHICH HAS BEEN PREPARED AND WHICH REFLECTS THE ADDITIONALLY AGREED PROVISIONS AS OF JUNE 1, 1977, DOES NOT AFFECT THE PROVISIONS OF THE JOINT DRAFT TEXT OF THE NEW AGREEMENT FIRMED IN GENEVA IN MAY 1977 BY THE SECRETARY OF STATE OF THE U.S. AND THE MINISTER OF FOREIGN AFFAIRS OF THE USSR.

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DISCUSSION IS CONTINUING ON THE QUESTIONS CONNECTED WITH  
WORKING OUT THE TEXT OF THE AGREEMENT, WHICH WERE CONSIDERED AT  
DELEGATION LEVEL, BUT WHICH REMAINED UNAGREED IN THE ACURSE OF  
PREVIOUS NEGOTIATIONS.

AS AGREEMENT IS REACHED ON OTHER QUESTIONS WHICH ARE AS YET  
UNAGREED, THE JOINT DRAFT TEXT WILL BE REVISED AS NECESSARY.

END TEXT. EARLE

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## Message Attributes

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